

**Remarks/Arguments**

Reconsideration of this application is requested.

**Request for Continued Examination**

In response to the final Action mailed February 7, 2005, and the Advisory Action mailed April 14, 2005, a Request for Continued Examination is enclosed with this Amendment.

**Claim Status**

Claims 1-20 were previously presented. Claims 1, 3, and 12 are amended. In view of the amendments to claims 1, 3 and 12, claims 2, 5, 7, 8, 15 and 16 are canceled, without prejudice. Claims 1, 3, 4, 6, 9-14, and 17-20 are now pending.

**Claim Rejections – 35 USC §102(b)**

Claims 1, 4, 12, 14 and 15 are rejected under 35 USC 102(b) as anticipated by Okada et al. (USPN 5,892,587) (“Okada”). Claims 1 and 12 are further rejected under 35 USC 102(b) as anticipated by Ishizuka et al. (USPN 5,282,050) (“Ishizuka”). In response, claims 1 and 12 are amended to clearly distinguish over Okada and Ishizuka.

Claim 1 is amended to recite: “wherein the control means indicates an incompletely stored page number to a user and appends a message to a document page transmitted last to inform the recipient that there are still additional pages remaining to be received when, after the communication control means has dialed the recipient, an amount of space available in the image storage means falls below a predetermined value”. Claim 12 is amended to recite “D) appending a message to a document page transmitted last to inform the recipient that there are still additional pages remaining to be received if obtaining the image in step (A) is interrupted”. These limitations are not disclosed by either Okada or Ishizuka.

The final Action asserts that Okada, at column 12, lines 35-43, discloses the features of claims 7 and 8, which are substantially incorporated into claims 1 and 12 as amended. Applicant respectfully disagrees. Okada discloses, at col. 12, lines 14-43, that storage processing unit 54 links separate pages together with pointers to

data files, such as DFL1, DFL2, etc. Storage processing unit 54 checks whether the registered page is the last page (step 305), and, if not, repeats the process from step 303 to continue storage processing for subsequent pages. If it is the last page, it performs termination processing (step 306) and prepares to receive the next fax mail information. In this termination processing, the item of the data dividing position contained in the header of the last data file is made the "final." Hence, Okada does not disclose or suggest appending a message to a document page transmitted last to inform the recipient that there are still additional pages remaining to be received as required by claims 1 and 12. Okada merely provides a "final" pointer to the final page of the data file that links the last page to the second to the last page.

The Advisory Action mailed on April 14, 2005, in response to applicant's proposed amendment after final (which was refused entry), further asserts that the limitations of claims 7 and 8, now incorporated into independent claims 1 and 12, are disclosed by Okada at column 8, line 46 to column 9, line 9. The Advisory Action also suggests that features discussed in the proposed amendment after final were not recited in the claims. Applicant respectfully disagrees, but has clarified its amendments to claims 1 and 12 to clearly and unmistakably distinguish over Okada. The "delivery reservation table" discussed by Okada at column 8, line 46 to column 9, line 9 and shown in Fig. 8, and relied on in the Advisory Action is a *table stored in a memory (disk unit 43) of fax mail apparatus 40* (column 7, lines 40-44 and 55-58). Various information is stored in the table for the use of apparatus 40, however, there is no disclosure that the delivery reservation table or any information stored in the table is appended as a message to a document page transmitted last to inform the recipient that there are still additional pages remaining to be received.

Ishizuka similarly does not disclose, and the Action does not contend that Ishizuka discloses, these elements of claims 1 and 12.

Since Okada and Ishizuka do not disclose each and every element of claims 1 and 12, as amended, they cannot anticipate those claims or claims 4 and 14 dependent thereon. The rejections under 35 USC 102(b) should be withdrawn.

**Claim Rejections – 35 USC §103(a)**

Claims 2-3, 5-10, 13 and 16-18 are rejected under 35 USC 103(a) as obvious over Okada in view of Maniwa (USPN 5,768,483). Claims 11 and 19 are rejected as obvious over Okada in view of Ochiai (USPN 5,457,544). Claim 20 is rejected as obvious over Okada in view of Maniwa and Ochiai.

As noted above, claims 2, 5, 7, 8 and 16 are canceled, without prejudice. The rejection of those claims is therefore moot.

Claim 3 is amended into independent form to include the subject matter of claims 1 and 8 and now recites “wherein the control means indicates an incompletely stored page number to a user and appends a message to a document page transmitted last to inform the recipient that there are still additional pages remaining to be received when, after the communication control means has dialed the recipient, the image storage means becomes full”. Maniwa and Ochiai do not remedy the deficiencies of Okada. Thus, claim 3 and claims 6, 9-11, 13 and 17-20 dependent thereon are allowable for the same reasons as discussed with reference to claims 1 and 12.

**Conclusion**

This application is now in condition for allowance. The examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment.

Appl. No. 09/518,625  
Amdt. Dated May 5, 2005  
Reply to Final Office Action of February 7, 2005

Attorney Docket No. 81800.0020  
Customer No. 26021

Any fees due with this response may be charged to our Deposit Account No.  
50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: May 5, 2005

By: 

Troy M. Schmelzer  
Registration No. 36,667  
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Phone: 213-337-6700  
Fax: 213-337-6701